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Criminal Justice Branch

B.C.'S PROSECUTION SERVICE

ANNUAL REPORT

2007/2008

Trusted, Fair, Impartial

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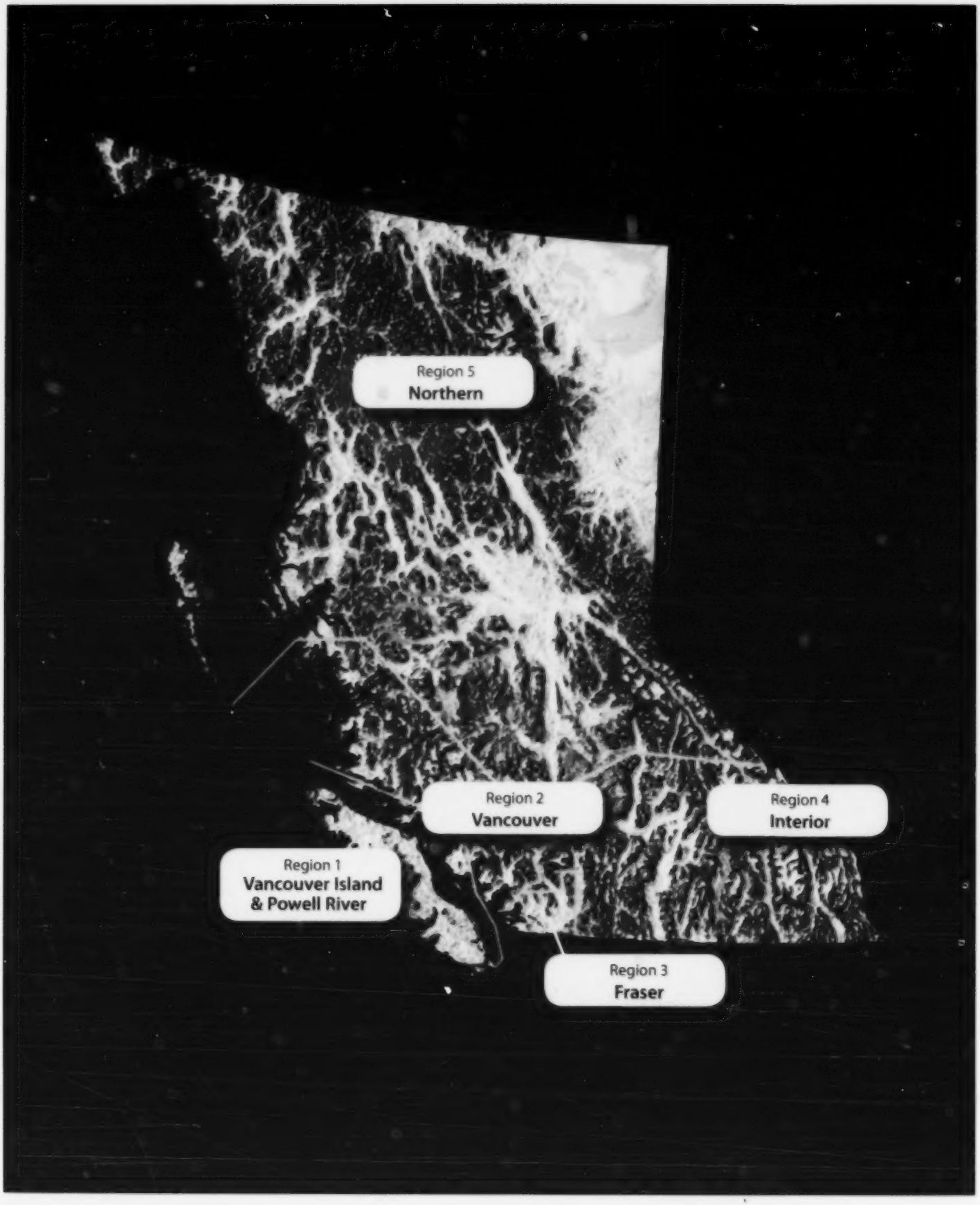
BRITISH COLUMBIA
Ministry of Attorney General


Region 5
Northern
Region 2
Vancouver
Region 4
Interior
Region 1
Vancouver Island
& Powell River
Region 3
Fraser

PROFILE OF B.C.'S PROSECUTION SERVICE

B.C.'s prosecution service – the Criminal Justice Branch of the Ministry of Attorney General – contributes to the protection of society by conducting or supervising prosecutions and appeals in all levels of courts. The prosecution service acts fairly, impartially, effectively and respectfully on behalf of the whole community.

Responsibility for the administration of justice in Canada falls to the provinces and territories. B.C.'s prosecution service has the legal obligation for the prosecution function in British Columbia, including assessing all investigative reports (reports to Crown counsel) forwarded by police and other investigative agencies to determine whether charges should be laid. Crown counsel then assess the reports independently, based on the prosecution service's charge approval standards policy, to evaluate whether there is a substantial likelihood of conviction and whether it is in the public interest to prosecute.

Prosecutors in B.C. are lawyers known as Crown counsel. Crown counsel are officers of the court and perform their duties according to the law, including the Criminal Code of Canada and the Charter of Rights and Freedoms. In British Columbia, the Crown Counsel Act further separates the prosecutorial function from political influence. The Assistant Deputy Attorney General of the Criminal Justice Branch, as head of B.C.'s prosecution service, has independent authority for overseeing the laying of charges and conducting prosecutions. The Attorney General, an elected official, and the Deputy Attorney General may direct the Assistant Deputy Attorney General, but must do so in writing, which must be published in the B.C. Gazette.

Approximately 800 Criminal Justice Branch members provide services over British Columbia's nearly one million square kilometres, divided into five regions: Northern, Interior, Fraser, Vancouver and Vancouver Island-Powell River, along with a criminal appeals and special prosecution (CASP) division and headquarters. Each region is led by a Regional Crown counsel, supported by the Deputy Regional Crown counsel, district administrators, Administrative Crown counsel, managers of administrative services, office managers and administrative support staff. Directors lead a variety of functions from headquarters in Victoria and CASP.

While B.C. prosecutors conduct prosecutions vigorously once they have made a principled charge approval decision – based on the prosecution service's standards – their first duty is to ensure the trial process is fair to all, evidence is presented thoroughly and accurately and the integrity of the justice process is maintained. Their duty as professionals is not to obtain a conviction at any cost but, rather, to ensure justice is done in a fair, impartial, efficient and respectful manner.

Wendy Stephen, QC, Fraser Region Crown counsel, was appointed Vice-President for North America of the International Association of Prosecutors.

Deputy Attorney General Allan Seckel, QC, (right) with Derrill W. Prevett, QC, winner of the Neil McDiarmid, QC, Commitment to Justice award.

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THE CRIMINAL JUSTICE PROCESS

INTRODUCTION

Impartiality and fairness are fundamental to a democracy governed by the rule of law, where everyone is equal under the law.

In our justice system, the investigative, prosecution, judicial and corrections functions are each separate and independent.

The independence of B.C.'s prosecution service – the Criminal Justice Branch of the Ministry of Attorney General – is embodied in provincial legislation called the Crown Counsel Act. This independence is essential to ensure impartiality and fairness in the criminal justice process.

FUNCTIONS OF THE CRIMINAL JUSTICE PROCESS

INVESTIGATION	PROSECUTION	TRIAL	CORRECTIONS
Police investigate possible crime. If warranted, police submit to Crown a report to Crown counsel (RCC) for charge assessment.	Crown receives RCC – which is then subject to the application of the charge assessment process: • Is there a substantial likelihood of conviction? • Is prosecution in the public interest?	If charges are laid, Crown conducts a prosecution against the accused on behalf of the community. Trials may be held before a judge alone or judge and jury.	If the accused is found guilty by judge or jury, he or she may be sentenced to a correctional centre or other penalties.
	Crown has the choice to: • lay charges; • not lay charges; • refer matter to an alternative measures program; • refer matter back to investigative agency for more information.	The trial will determine if the accused is found: • not guilty; or • guilty. Charges may also be stayed during a trial.	

STAGE ONE: The Investigative Function

When a possible crime is reported to an investigative agency like the police, or the agency itself identifies a possible crime, the agency will investigate and decide whether the incident warrants forwarding a report to Crown counsel (RCC) to B.C.'s prosecution service.

STAGE TWO: The Prosecution Function

PART ONE: Receiving Reports to Crown Counsel (RCCs)

Police send a RCC if they conclude a crime has been committed. Most categories of offences are the responsibility of B.C.'s prosecution service, but some offences are handled by the federal prosecution service, known as the Public Prosecution Service of Canada.

At times, police also ask Crown counsel for criminal law legal advice before submitting their RCC.

In 2007/2008, B.C.'s prosecution service received 77,687 RCCs, down 1.2 per cent or 935 from last fiscal year. The RCCs named 83,490 accused persons. Adults were named as accused in 75,975 RCCs and youths were named in 7,515 RCCs.

REPORTS TO CROWN COUNSEL RECEIVED				
	2005/2006	2006/2007	2007/2008	% Change 2006/07 to 2007/08
Total RCCs	77,615	78,622	77,687	-1.2%
Accused Adults*	71,218	72,298	75,975	5.1%
Accused Youths*	6,397	6,324	7,515	18.8%
Youths % of total	8.0%	8.0%	8.0%	0%

**RCCs may name one or more individuals as accused adult or youth*

REPORTS TO CROWN COUNSEL RECEIVED BY REGION			
	2006/2007	2007/2008	% of Total – 2007/2008
Criminal Justice Branch total	78,622	77,687	100%
Vancouver Island-Powell River	15,928	15,350	19.8%
Vancouver	17,847	18,403	23.7%
Fraser	19,138	18,773	24.2%
Interior	12,636	12,987	16.7%
Northern	12,913	11,971	15.4%
CASP and Headquarters	n/a	197	0.2%

PART TWO: Charge Assessment

When B.C. prosecutors, known as Crown counsel, receive a RCC from police or another investigative agency, the prosecutors assess whether charges should be laid against the person or persons named in the RCC.

In British Columbia, the prosecution service, not police, is almost always responsible for approving the laying of formal charges. This is unlike most other provinces.

Prosecutors review every RCC sent to them by police or other investigative agencies, using the Criminal Justice Branch's charge assessment guidelines policy. This policy is part of the Crown counsel policy manual, a public document that guides prosecutors in using their discretion, which ensures independent and impartial prosecutorial decision making.

The charge assessment guidelines policy states prosecutors should, in most cases, make their charge assessment decision according to the following, two-part formula:

- Crown decides whether there is a substantial likelihood of conviction based on the evidence presented in the RCC. In other words, whether there is a strong, solid case of substance to present to the court.
- Once the prosecutor decides there is a substantial likelihood of conviction, the second test is whether a prosecution is required in the public interest. The many factors prosecutors must consider in deciding this include the seriousness of the allegations (for example, whether a victim suffered serious harm or a weapon was used).

CHARGE DECISIONS BY PERSON 2007/2008						
	Approved to Court	Alternative Measures	No Charge	Returned to Police/ Probation	In Progress	Total Charge Assessments
Total charge decisions	69,083	1,617	9,362	2,220	1,208	83,490
Adults	63,165	1,188	8,507	2,027	1,088	75,975
Youths	5,918	429	855	193	120	7,515

The number of charge assessments differs from the number of RCCs because a RCC can identify one or more accused persons alleged by police to have committed one or more offences.

Prosecutors can decide that no charges should be laid, charges should be laid or the accused person should be referred to an alternative measures program rather than go to court. The proportion of accused persons approved to court annually is approximately 82.7 per cent per year +/- 0.4 per cent.

The purpose of the charge assessment is to ensure only solid cases of substance and those in the public interest move forward to trial.

It is not the prosecutor's primary role in our Canadian justice system to gain a conviction. The prosecutor's primary role is to ensure the evidence against an accused person is presented vigorously, but fairly, in court. This ensures the accused person's defence counsel can respond to the evidence and the judge or jury can perform their independent function of deciding the outcome of the charge.

A total of 63.5% of accused persons matters approved to go to court result in either a guilty plea o a conviction.

Prosecutors conduct their charge assessments as quickly as possible, with a thorough analysis and principled decision making, to guard against delay in the criminal justice process.

In 2007/08:

- 60% of charge assessments were done the same day the RCC was submitted to Crown counsel (where Crown did not return the RCC to police for more information);
- 67% by the second day;
- 72% by the fifth day;
- 85% by the 15th day; and
- 91% by the end of the 30th day.

Charge assessment for a very few of the most complex cases can take longer.

ELAPSED TIME TO CHARGE ASSESSMENT DECISION 2007/2008		
	% Complete by Day	Cumulative % Complete
Same day	60%	60%
Day 1	5%	65%
Day 2	2%	67%
Day 3	1%	68%
Day 4	2%	70%
Day 5	2%	72%
Day 6	1%	73%
Day 7	1%	74%
Days 8-15	11%	85%
Days 16-30	6%	91%

PART THREE: The Trial Function

If, after they have reviewed the RCC, prosecutors decide a charge or charges should be laid, the matter will go to court. Although one of their responsibilities is to keep victims informed about the justice process, prosecutors do not act for victims of a crime. Rather, Crown counsel conduct the prosecution on behalf of the whole community.

Crown counsel conduct prosecutions and appeals in every level of court: the Provincial Court of B.C., the B.C. Supreme Court, the B.C. Court of Appeal and the Supreme Court of Canada. Prosecutions may be before a judge or a judge and jury.

If an accused pleads guilty or is convicted, prosecutors are responsible for recommending appropriate sentences. The final sentencing decision is made by the judge.

Since the enactment of the Youth Criminal Justice Act (April 2003), the number of youth new prosecution files opened has declined by 27.1 per cent.

NEW PROSECUTION FILES PER FISCAL YEAR*

	2004/2005	2005/2006	2006/2007	2007/2008	% Change from 2006/2007
Total new files	49,368	50,823	50,285	47,598	-5.3%
Total accused	54,914	56,200	55,837	56,726	+1.6%
Total counts	92,409	95,277	95,499	95,317	-0.2%
Total witnesses required	159,744	164,312	158,074	218,479	+38.2%
Total VOCA victims	26,232	26,884	25,643	27,090	+5.6%

NEW PROSECUTION FILES BY ADULT AND YOUTH PER FISCAL YEAR*

	2004/2005	2005/2006	2006/2007	2007/2008	% Change from 2006/2007
Adult	45,805	47,175	46,707	44,616	-4.5%
Youth**	3,563	3,648	3,578	2,982	-16.7%
Youth % of total	7.8%	7.7%	7.7%	6.7%	

Note:
* *Each new prosecution file is counted once by date and location where it was first sworn in Provincial Court. One new prosecution file will contain one or more accused person(s), on one or more criminal matters. Therefore, the number of persons approved to court will not correspond to the number of new prosecution files.*
** *Youth is defined as a person between 12 to 17 years of age. This age group is also referred to as young persons.*

ACTIVE FILES BEFORE THE COURT AT THE CONCLUSION OF 2007/2008	
Total active files	24,864
Total accused	26,142
Total counts	51,352
Total witnesses required	95,177

Some active files date from a previous year.

PART FOUR: The Corrections Function

Eacn accused person is considered to be "concluded" when a final court decision has been reached. If the accused is found guilty by a judge or jury, they may be sentenced to a correctional centre or assigned other penalties.

Post-sentence reviews, applications, appeals and other legal processes may result in some matters related to a concluded file being resurrected. For statistical purposes, each person whose case has reached a conclusion is counted as of the date the court disposition was reached.

CONCLUDED PERSONS PER FISCAL YEAR					
	2004/2005	2005/2006	2006/2007	2007/2008	% Change from 2006/2007
Total concluded persons	65,491	66,421	65,997	70,018	6.1%
Adult	59,115	60,296	60,136	63,848	6.3%
Youth	6,376	6,125	5,861	6,170	5.3%

Some concluded person matters date from a previous year.

FINDINGS OF CONCLUDED MATTERS 2007/2008						
	Not Guilty	Stayed	Guilty	Peace Bonds	Other	Total Concluded
Concluded matters	1,839	18,653	46,345	2,971	210	70,018
Percentage	2.5%	25.6%	63.5%	4.1%	0.3%	100.0%

DEFENDING THE PRINCIPLE OF PROSECUTORIAL DISCRETION

The fundamental principle of independent decision making by prosecutors in our system of justice arose as a subject for consideration during the commission of inquiry in 2007/2008 into the December 1998 death of Frank Paul.

Past and present members of B.C.'s prosecution service – the Criminal Justice Branch of the Ministry of Attorney General – were requested to testify at the inquiry about criminal charge assessment decisions made by prosecutors relating to Frank Paul's death.

The branch recognized the importance, for supporting public confidence in the criminal justice system, of the inquiry's examination of the circumstances of Frank Paul's death. The branch took a strong stand to preserve the constitutional principles of prosecutorial discretion and independence in prosecutors' decisions about whether to lay charges.

The branch submitted to the inquiry that, given the need to be free of pressure from any source, it is wrong for prosecutors to face review, after the fact, of their principled, professional and impartial charge assessment decisions, just as it would be wrong to require judges, once they issue their judgments, to later be required to justify their decisions.

To further the commission's goals, the branch offered to explain, in general terms, the decision not to lay charges in this specific case. The branch also volunteered to testify about the process that was followed, the charge assessment standard applied and all the relevant policies and processes. The branch declined to participate in probes into individual prosecutors' discretion. Such probing would have a chilling effect on impartiality in future, opening the door to charging decisions being made for political reasons or as a result of other improper pressures, instead of being based on the evidence and the principle that everyone is equal under the rule of law.

Commissioner William H. Davies, QC, disagreed with the Criminal Justice Branch's submission. The branch applied for a judicial review of the commissioner's decision to the Supreme Court of B.C.

STATEMENT OF PURPOSE

Our purpose is to contribute to the protection of society by preparing for and conducting prosecutions diligently and fairly and by striving to develop the most effective methods to administer justice in our community.

STATEMENT OF PRINCIPLES

B.C.'s prosecution service is governed by six fundamental principles:

Fairness

We act with fairness and impartiality in our pursuit of justice.

Independence

We perform our public service without regard to improper influence or interference.

Rule of Law

We apply the rule of law consistently and diligently.

Excellence

We achieve excellence by working together and by employing our skills and knowledge in accordance with the highest ethical standards.

Attitude

We serve the public with courtesy and respect.

Commitment

People are our most valuable resource. We are dedicated to being open, honest and trustworthy and to treating one another with respect, dignity and fairness. We endeavour to recognize individual achievement, to share information, knowledge and resources and to facilitate career advancement and educational upgrading.

HISTORY OF THE PROSECUTION SERVICE

Courthouse in Revelstoke.

B.C.'s prosecution service was established more than three decades ago, when the provincial government decided the administration of justice should be consistent throughout the province. The Assistant Deputy Attorney General headed the new entity known as the Criminal Justice Branch of the Ministry of Attorney General.

Before April 1, 1974, prosecutions in many Provincial Courts in British Columbia (including Vancouver, Victoria, Kelowna, Kamloops and Prince George) were conducted by lawyers hired by municipalities. In many other locations throughout the province, police prosecutors conducted Provincial Court prosecutions or police determined when a lawyer was necessary and made arrangements to retain one. Cases in the B.C. County and Supreme Courts were conducted by lawyers, usually from the private bar, retained by the then Director of Criminal Law to prosecute the assize (or session). All reports on the outcomes of cases prosecuted in County or Supreme Court were given to the Director.

The inauguration of the Criminal Justice Branch on April 1, 1974 provided for a decentralized prosecution service that applied consistent prosecution standards throughout the province.

The prosecution service, initially divided into 13 regions, was later consolidated into five regions, plus the criminal appeals and special prosecutions unit (CASP) and headquarters.

The Crown counsel charge assessment process evolved in the late 1970s and into the early 1980s. Unlike most other provinces, in British Columbia, the decision whether to lay criminal charges against someone is usually made by the prosecution service, not police. The process is normally a two-part test: first, is there a substantial likelihood of conviction and, if so, second, is a prosecution required in the public interest?

In June 1991, following the discretion to prosecute inquiry by Commissioner Stephen Owen in 1990, the provincial government passed the Crown Counsel Act. The act (see Appendix A) sets out the functions and responsibilities of Crown counsel, the branch and the Assistant Deputy Attorney General. It also addresses the relationship between the Attorney General, Deputy Attorney General and branch.

MESSAGE FROM THE ASSISTANT DEPUTY ATTORNEY GENERAL

A major priority of British Columbia's prosecution service is explaining to the citizens we serve what a prosecution service is and the principles that guide us. We believe that an informed citizenry is the strongest foundation of a stable and healthy society.

Again this year, our annual report begins by describing our organization and the prosecution process, accompanied by illustrative statistics. It gives concrete form to the process, with examples of our work across our province's vast regions, such as:

- the Robert W. Pickton trial in New Westminster;
- the prosecution of an Internet crime in the Northern region;
- our participation in the prolific offender program in the Interior and other regions;
- our help to develop innovations in response to domestic violence; and
- major cases in the Vancouver and Vancouver Island-Powell River regions, including the conduct of important appeals and constitutional matters by our CASP division.

The educational process demonstrated through our annual report is one we are committed to year round. We achieve this by way of, for example, accurate and timely sharing of information with the media and public about cases.

The sheer volume of the matters handled by our team of skilled prosecutors and administrative professionals is testimony to their dedication: assessing almost 78,000 reports to Crown counsel from investigative agencies, making principled charge decisions within efficient timeframes and conducting prosecutions and appeals involving increasingly more complex cases.

Branch members demonstrate their commitment to professional excellence by participating in what we consider to be one of the best professional development programs of any prosecution service. They offer their time and energy to worthy causes outside their daily workload, from teaching at schools and universities, speaking to community groups and contributing to charities to taking on administrative duties at the national and international level, such as with the national Heads of Prosecution federal/provincial/territorial committee and the International Association of Prosecutors.

I am especially proud our members have been honoured by prestigious national and international awards. These honours only reinforce how essential our branch's health and wellness and security initiatives are in valuing the extraordinary people who choose a life of public service.

We have had the opportunity this past year, in several forums, to explain the principles on which our prosecution service is based: the rule of law, fairness, impartiality, independence and a commitment to excellence. Prosecutors, like judges, exercise their professional discretion to make decisions based on fact. They are not swayed by public opinion, political considerations or anything other than the merits of the evidence. In the Crown Counsel Act, British Columbians have legislation that enshrines these principles. They are principles eminently worth defending, as are the individuals in our service who so courageously uphold them.

BIOGRAPHY

Robert (Bob) W. G. Gillen, QC

Assistant Deputy Attorney General
Criminal Justice Branch, Ministry of Attorney General

Born in Oliver, B.C., Bob Gillen earned his law degree from the University of British Columbia in 1973 and had his own law practice when he joined the Crown in 1979 as a Provincial Court prosecutor. Throughout his 29 years as a public servant, he prosecuted in Surrey, New Westminster and Vancouver at the Provincial, County, B.C. Supreme Court and B.C. Court of Appeal levels.

He was appointed Administrative Crown counsel for Port Coquitlam in 1984, Deputy Regional Crown counsel for the South Fraser region in 1986, Regional Crown counsel for Vancouver Island in 1988 and Assistant Deputy Attorney General in 2001.

He was appointed Queen's counsel in 2000.

ACHIEVEMENTS IN 2007/2008

- The Robert W. Pickton trial, which began in January 2007, ended Dec. 9, 2007, when the jury found Pickton guilty of six counts of second-degree murder. Pickton was sentenced on Dec. 11 to the mandatory minimum of life imprisonment. He will not be eligible for consideration of parole for 25 years. The case is now in the appeal phase. Prosecutors approved the first charges against Pickton in February 2002.
- B.C. prosecutors made charge assessment decisions on 77,687 RCCs from investigative agencies, including major cases of organized crime. Of those charge assessment decisions, 91 per cent were made within 30 days.
- 69,083 accused persons identified in RCCs were approved to court, in matters involving 245,569 victims and potential witnesses.
- The Criminal Justice Branch's professional development program was once again a leader in Canada in providing training opportunities for Crown counsel and administrative professionals. A Crown counsel summer school, major branch conferences and other courses ensured B.C.'s prosecution service remained at the leading edge of legal and administrative best practices.
- The Criminal Justice Branch created a new human resources plan, in conjunction with the Ministry of Attorney General's human resources plan. The branch plan emphasized strategies to recruit new members in key areas of operations and retain current team members. The plan also emphasized the importance of recognizing the many outstanding achievements of Crown counsel, management and administrative professionals. The branch has made further commitments to more effective internal communications.
- The branch participated in the Frank Paul commission of inquiry, looking into the circumstances of Frank Paul's death in 1998.
- B.C.'s prosecution service members contributed to the $1.3 million raised for B.C. charities through the Provincial Employees Community Services Fund.
- The branch incorporated health and wellness presentations in all its major events and introduced an innovative new intranet service to support branch members in managing their own health and wellness.
- Jean Connor, QC, Vancouver Supreme Court Administrative Crown counsel, was awarded the federal/provincial/territorial Heads of Prosecutions committee Courage and Perseverance award in June 2007. Connor has been a leading trial counsel. She is an administrative leader in the Criminal Justice Branch and a teacher and role model for generations of Crown counsel.
- Vancouver Crown counsel Peter Stabler was presented with the 2007 William D. Neumann International Association of Financial Crime Investigators Prosecutor of the Year award during the association's annual conference in Toronto. The award cited his 30-year career as a prosecutor and his work on major files involving identify theft and chronic offenders.
- Fraser Region Crown counsel Wendy Stephen, QC, was appointed Vice-President for North America of the International Association of Prosecutors, the most important association of prosecutors in the world.
- The branch continued to enrich its international developmental opportunities for experienced and newer Crown counsel. It joined the Canadian Bar Association in initiating a new, short-term development opportunity for new Crown counsel in Namibia and, for more experienced Crown, introduced an exchange with the Australia prosecution service.

Pickton prosecution team (left to right): Neil MacKenzie, Crown counsel; Stan Lowe, Communications counsel; Mike Petrie, QC, Crown counsel; Geoff Barager, Crown counsel; Jennifer Lopes, Crown counsel; John Ahern, Administrative Crown counsel; Satinder Sidhu, Administrative Crown counsel; Derrill Prevett, QC, Crown counsel; and Jay Fogel, Crown counsel.

(Left to right): Stephen Davies; Jean Connor, QC; National Defence Headquarters Director of Military Prosecutions Captain (N) M.H. MacDougall; and Assistant Deputy Attorney General Robert Gillen, QC, celebrate as Connor receives the Courage and Perseverance award from the federal/provincial/territorial Heads of Prosecutions committee.

Vancouver Crown counsel Peter Stabler (left) being presented with the 2007 William D. Neumann International Association of Financial Crime Investigators Prosecutor of the Year award.

(Left to right) Deputy Attorney General Allan Seckel, QC; Rt. Hon. Chief Justice of Canada Beverley McLaughlin, P.C.; and Robert Gillen, QC, Assistant Deputy Attorney General, at the 2007 Crown counsel conference.

(Left to right) Defence counsel Hugh M.G. Bracker, QC; Judge John Joe; and Port Alberni Crown counsel Leah Fontaine. This was the first time in British Columbia where all parties – Judge, prosecutor, defence counsel, accused and the victim – were of Aboriginal heritage

Fraser Region Crown counsel Wendy Stephen, QC, appointed Vice-President for North America of the International Association of Prosecutors.

The Nanaimo Crown counsel office shows off its award for being one of the top work units in government. The award was based on the 2007 BC Public Service work engagement survey results. Deputy Minister to the Premier, Jessica McDonald, presented the office with a certificate of achievement.

Region 5
NORTHERN
Region 2
VANCOUVER
Region 4
INTERIOR
Region 1
VANCOUVER ISLAND
& POWELL RIVER
Region 3
FRASER

REGIONAL AND UNIT REPORTS

OVERVIEW OF SIGNIFICANT FACTS FOR 2007/2008

OVERVIEW OF SIGNIFICANT FACTS (2007/2008)							
	Vancouver Island-Powell River	Vancouver	Fraser	Interior	Northern	CASP and Headquarters	**B.C. Total**
Population of region	765,614	1,286,123	1,309,595	672,608	330,625	n/a	4,364,565
Number of Crown offices	9	6	6	7	10	3	41
Number of courts (including circuit courts*)	13	11	5	24	35	n/a	88
Reports to Crown counsel received	15,350	18,403	18,773	12,987	11,971	197	77,687
Accused named on reports to Crown counsel	16,534	19,712	20,217	13,951	12,798	278	83,490
Total approved to court	16,041	18,070	21,338	15,167	12,876	268	83,760
Total new files	9,015	11,607	12,060	8,112	6,671	133	47,598
New files: Murder, attempted murder and manslaughter	5	23	32	17	12	5	94
VOCA victims**	4,676	7,059	7,281	4,404	3,547	123	26,090
Total witnesses required	40,781	56,899	61,890	30,327	27,032	1,550	218,479
Court days sat	3,535	6,036	6,638	3,673	3,507	434	23,823
Video conference bail hearings	770	1,352	1,405	734	712	67	5,040
Sitting days of Circuit Court	275	47	n/a	444	490	n/a	1,256
Files scheduled for Circuit Court	5,502	690	n/a	9,571	12,034	n/a	27,797
Circuit Court hours	627	118	n/a	1,418	1,481	n/a	3,644
810.1 and 810.2 applications concluded***	5	2	43	5	13	0	68

Notes:

* **Circuit Court:** *Defined as the practice of judges travelling within a defined circuit to hear cases in various communities. This practice is common in rural and geographically remote areas of British Columbia.*

** **VOCA Victims:** *As defined in British Columbia's Victims of Crime Act: An individual who suffers physical or mental injury or economic loss because of an offence. There can also be secondary victims who have suffered emotional trauma because of an offence caused against a family member. Corporations, police officers or other justice system personnel are not included in this definition.*

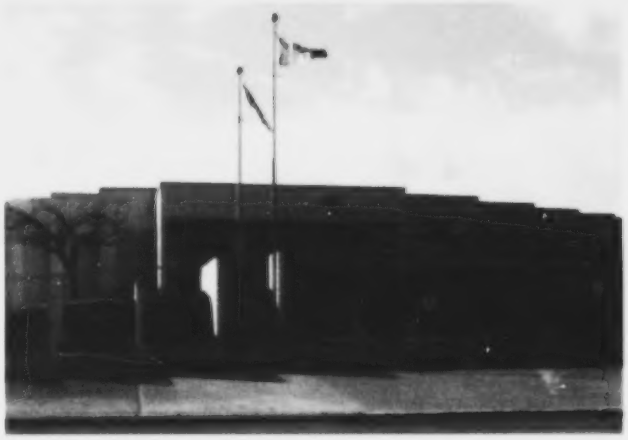
*** **810.1 or 810.2 Applications Concluded:** *Section 810 peace bonds are preventative court orders requiring an individual to agree to specific conditions to keep the peace. These instruments are available to police to protect the public* **before** *a criminal offence has been committed. Section 810.1 targets individuals who police fear may commit a sex offence against someone under the age of 14. Restrictions include remaining a specified distance from areas where children are known to be present, such as playgrounds and schools. Section 810.2 focuses on individuals who appear likely to commit violent or sexual offences.*

THE NORTHERN REGION

The Northern region of B.C.'s prosecution service covers two-thirds of the province, a vast geographical area of great beauty, as well as diverse challenges. The region stretches from the Yukon border in the north to 100 Mile House in the south, the Alberta border to the east and the Queen Charlotte Islands in the Pacific Ocean in the west. With regional headquarters in Prince George, the Northern region's 48 prosecutors and 44.6 managerial and administrative professionals operate out of 10 offices and serve 30 communities.

Highlights of 2007/2008

- The Northern region conducted a full range of prosecutions from thefts to murders and prosecuted an Internet hate crime, which resulted in only the second conviction of this nature in British Columbia and the fifth in Canada.
- An Administrative Crown counsel from Smithers was appointed to the Provincial Court of B.C.
- A new Deputy Regional Crown counsel was appointed in June 2007. Since April 2007, the region has seen the appointment of new Administrative Crown counsel in Vanderhoof, Smithers, Fort St. John and Fort Nelson.



Terrace Courthouse

NORTHERN REGION - SIGNIFICANT FACTS (2007/2008)	
Population of region	330,625
Number of Crown offices	10
Number of courts (including circuit courts)	35
Reports to Crown counsel received	11,971
Accused named on reports to Crown counsel	12,798
Total counts approved to Court	12,876
Total new files	6,671
New files: Murder, attempted murder and manslaughter	12
VOCA victims	3,547
Total witnesses required	27,032
Court days sat	3,507
Video conference bail hearings	712
Sitting days of Circuit Court	490
Files scheduled for Circuit Court	12,034
Circuit Court hours	1,481
810.1 and 810.2 applications concluded	13

THE INTERIOR REGION

The Interior region of B.C.'s prosecution service comprises central and southeastern British Columbia, a fascinating landscape of mountains, lakes, valleys and rivers, including Thompson, Okanagan and Kootenay. The region is dotted with charming towns and cities. In conjunction with 46 RCMP detachments and seven prosecution offices, 48.4 prosecutors and 39.5 managerial and administrative professional staff serve 22 satellite court locations. The regional headquarters is in Kamloops.

Highlights of 2007/2008

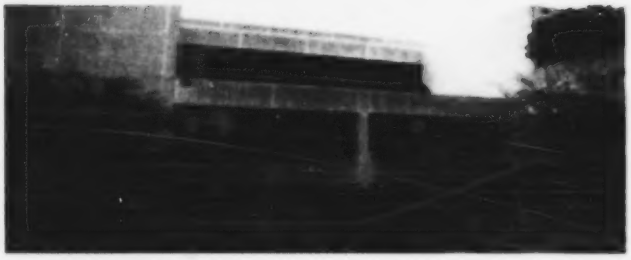
- In November 2007, a prosecutor from Kamloops took the position of Regional Animal Cruelty Administrative Crown counsel. This position will oversee all animal cruelty prosecutions in the Interior region.
- A prolific offender program operated for the past year by the Kamloops RCMP detachment, with the aid of the Kamloops Crown counsel office, has had great success. Kamloops is participating in a prolific offender pilot project, started in early 2008 along with the Province's Criminal Justice Reform Secretariat.
- Two major special prosecutions in the Interior region are still ongoing.
- A new Regional Crown counsel was appointed in January 2008.

Vernon Courthouse

INTERIOR REGION - SIGNIFICANT FACTS (2007/2008)	
Population of region	672,608
Number of Crown offices	7
Number of courts (including circuit courts)	24
Reports to Crown counsel received	12,987
Accused named on reports to Crown counsel	13,951
Total counts approved to court	15,167
Total new files	8,112
New files: Murder, attempted murder and manslaughter	17
VOCA victims	4,404
Total witnesses required	30,327
Court days sat	3,673
Video conference bail hearings	734
Sitting days of Circuit Court	444
Files scheduled for Circuit Court	9,571
Circuit Court hours	1,418
810.1 and 810.2 applications concluded	5

THE FRASER REGION

The Fraser region of B.C.'s prosecution service is a dynamic area of southern British Columbia, located in the Fraser River valley. The region has experienced surging population growth over the last two decades. Six Crown offices, with 92.9 prosecutors and 77.1 managerial and administrative professional staff, are located in Abbotsford, Chilliwack, New Westminster, Port Coquitlam and Surrey. The regional headquarters is in New Westminster.



New Westminster Courthouse

Highlights of 2007/2008

- Following a trial that began in January 2007 and saw 128 witnesses called during 105 days of evidence, Robert W. Pickton was found guilty on Dec. 9, 2007, of six counts of second-degree murder in the deaths of women who went missing from Vancouver's Downtown Eastside. Pickton was sentenced to life in prison.
- Surrey Crown counsel office has embarked on a prolific offender management pilot project. The office is working closely with other government agencies to monitor and make prolific offenders accountable in their communities.
- Surrey Crown counsel office is also involved in developing a bail reform project, an initiative of the Office of the Chief Judge of the Provincial Court, to study the effectiveness of having judicial justices of the peace conduct bail hearings.
- Surrey and New Westminster Crown counsel offices are involved in Native Court, piloting a suburban circuit court that emphasizes restorative justice and focuses on offenders' Aboriginal heritage.
- The Port Coquitlam Crown office has introduced a variation of the new arraignment court process. Another initiative from the Office of the Chief Judge, the court places most preliminary appearances before a sitting judicial case manager. A team of experienced prosecutors review and resolve files at a very early stage to reduce the number of cases set for trial and ensure matters that proceed to trial are prepared and ready.

FRASER REGION - SIGNIFICANT FACTS (2007/2008)	
Population of region	1,309,595
Number of Crown offices	6
Number of courts (including circuit courts)	5
Reports to Crown counsel received	18,773
Accused named on reports to Crown counsel	20,217
Total counts approved to court	21,338
Total new files	12,060
New files: Murder, attempted murder and manslaughter	32
VOCA victims	7,281
Total witnesses required	61,890
Court days sat	6,638
Video conference bail hearings	1,405
810.1 and 810.2 applications concluded	43

- In Abbotsford, Crown counsel is developing a system to create appropriate bail terms that protect victims, without alienating them. Probation services will assist prosecutors in developing bail terms prior to initial bail hearings. Designated Crown counsel will oversee domestic violence files, including the conduct of victim-initiated interviews. If the victim consents, counsel will ensure ongoing co-ordination with other agencies in the community, including specialized victim services.

THE VANCOUVER REGION

The Vancouver region of B.C.'s prosecution service includes the urban communities of Vancouver, Burnaby, Richmond and North Vancouver. Its large geographical sweep also encompasses the districts of North Vancouver, Sechelt and Squamish, along with West Vancouver, Whistler, Pemberton and the Bella Bella, Bella Coola and Klemtu circuit courts. The headquarters is based in downtown Vancouver, with 109.2 prosecutors and 69.2 managerial and administrative professionals serving the region.

Highlights of 2007/2008

- Crown counsel from Vancouver participated in a joint effort to write a paper on Wrongful Convictions in Canada, presented at the July 2007 conference of the International Society for the Reform of Criminal Law in Vancouver. Several hundred criminal lawyers from over 30 countries attended.
- Crown counsel presented at the International Association of Prosecutors annual conference in Hong Kong in September 2007. The presentation, "Canada's Anti-Terrorism Act: An Exception to the Right to Silence," was published in Promoting Criminal Justice Reform: A Collection of Papers from the Canada-China Cooperation Symposium.
- The International Association of Financial Crimes Investigators named the head of the regional repeat offenders prosecution enforcement team International Prosecutor of the Year. This is the first time the award has been won by a prosecutor from Western Canada. This award is a fitting recognition of the prosecutor's dedicated and innovative approach to these challenging cases.
- The regional repeat offenders prosecution enforcement team (RROPE) was created in March 2005 to provide a more effective response to prosecution of repeat offenders who commit identify theft, robberies and repeat offences. Each accused was charged in connection with three to eight police files from various jurisdictions. Most offenders were detained after bail hearings and each of the accused pleaded guilty, resulting in considerable savings in time and money (compared to a 50 per cent guilty plea for individually handled files).
- In 2007/2008, the Vancouver region handled a number of high profile and complex cases.
  - The trial of a group of men charged with the highly publicized kidnapping of Graham McMynn got underway.
  - The region has been working for over a year on the case of Charles Kembo, charged with four counts of murder. The trial is scheduled to begin in July 2008.
  - The region handled the preliminary hearing in the case of Charlie Rae Lincoln. The mother of the toddler has been charged with the child's murder in Bella Bella in December 2006. The matter is scheduled to go to trial in July 2008.
  - The Kenneth Robert Klassen case arose from a massive investigation of a Burnaby man charged with 35 counts of sex tourism-related charges relating to incidents between July 1997 and August 2001. The accused, now in his fifties, allegedly had sex with 17 underage girls in Cambodia, the Philippines and Colombia. This is the first case in Canadian history involving sex tourism, at a time when consent of foreign jurisdictions is required to prosecute. In this case, consent of the three foreign jurisdictions was required and obtained. Crown proceeded by way of direct indictment. The trial is scheduled to begin in summer 2008.
  - The region conducted the prosecution in the murder of young skateboarder/artist Lee Matasi in downtown Vancouver.
  - The region conducted Nathan Fry's preliminary hearing. Fry is charged with five counts of first-degree murder and one count of attempted murder arising from arson at Skeena Terrace housing complex in Vancouver May 15, 2006. The fire resulted in the death of five people and left a sixth victim seriously burned.

Vancouver Courthouse

VANCOUVER REGION - SIGNIFICANT FACTS (2007/2008)	
Population of region	1,286,123
Number of Crown offices	6
Number of courts (including circuit courts)	11
Reports to Crown counsel received	18,403
Accused named on reports to Crown counsel	19,712
Total counts approved to court	18,070
Total new files	11,607
New files: Murder, attempted murder and manslaughter	23
VOCA victims	7,059
Total witnesses required	56,899
Court days sat	6,036
Video conference bail hearings	1,352
Sitting days of Circuit Court	47
Files scheduled for Circuit Court	690
Circuit Court hours	118
810.1 and 810.2 applications concluded	2

THE VANCOUVER ISLAND-POWELL RIVER REGION

The Vancouver Island-Powell River region of B.C.'s prosecution service encompasses Vancouver Island and the Powell River area of the Sunshine Coast. Nine prosecution offices, with 58.2 prosecutors and 51.3 managerial and administrative professional staff, serve nearly 100 communities. The regional headquarters is in Victoria.

Highlights for 2007/2008

- In partnership with local judiciary and other stakeholders in the justice system, the Victoria Crown counsel office played an important role in developing and undertaking a pilot project to increase court efficiency through file management co-ordination. Variations on this pilot project are now being introduced throughout the province.
- The Nanaimo Crown counsel office was declared one of the top work units in government based on the 2007 BC Public Service work engagement survey results. The Deputy Minister to the Premier, Jessica McDonald, presented the office with a certificate of achievement.
- In March 2008, the region held its annual support staff conference in Victoria, with around 40 staff in attendance. Among the topics, renowned speaker Michelle Ray presented on the importance of maintaining a strong work/life balance.
- A Port Alberni Crown counsel has made her mark in a historically significant event. On May 5, 2008, she appeared as Crown counsel on a case where, for the first time in British Columbia, all parties – Judge, prosecutor, defence counsel, accused and the victim – were Aboriginal.

Duncan Law Courts

VANCOUVER ISLAND–POWELL RIVER SIGNIFICANT FACTS (2007/2008)	
Population of region	765,614
Number of Crown offices	9
Number of courts (including circuit courts)	13
Reports to Crown counsel received	15,350
Accused named on reports to Crown counsel	16,534
Total counts approved to court	16,041
Total new files	9,015
New files: Murder, attempted murder and manslaughter	5
VOCA victims	4,676
Total witnesses required	40,781
Court days sat	3,535
Video conference bail hearings	770
Sitting days of Circuit Court	275
Files scheduled for Circuit Court	5,502
Circuit Court hours	627
810.1 and 810.2 applications concluded	5

CRIMINAL APPEALS AND SPECIAL PROSECUTIONS DIVISION (CASP)

The criminal appeals and special prosecutions (CASP) offices of B.C.'s prosecutions service are located in Vancouver and Victoria. Serving the entire province with their 47.5 prosecutors and 25 managerial and administrative professional staff, CASP operations include conducting appeals in the B.C. Court of Appeal and the Supreme Court of Canada. CASP conducts specialized prosecutions related to organized crime, proceeds of crime, commercial crimes and occupational health and safety. It provides constitutional litigation support to prosecutors across the province.

Highlights of 2007/2008

- Drawing on the analytical and advocacy strengths of its own counsel, CASP continued to offer litigation support on constitutional matters, as well as novel, complex legal issues. In recognition of the increased demand for the unit's work and to enhance service delivery, CASP has established the position of deputy director, prosecution support.
- In response to the national focus on enhanced securities fraud enforcement, CASP established the position of deputy director, proceeds of crime and securities prosecutions, to aid the prosecution of securities-related offences. To enhance the efficient and timely investigation and prosecution of commercial crime cases, the section continues to promote greater communication with law enforcement agencies.
- CASP conducted several appeals in the Supreme Court of Canada including:
  - Crown appeals:
    - R. v. R.E.M. and Bajwa, on adequacy of reasons for judgment; and
    - R. v. McIvor, a statutory interpretation of conditional sentence order breach hearing provisions.
  - Attorney General of B.C. interventions:
    - R. v. D.B., the constitutional validity of the presumptive offence scheme of the Youth Criminal Justice Act;
    - R. v. Telemobile, on whether a judge issuing a production order can include terms requiring compensation of the complying party;
    - R. v. Kang Brown and R. v. A.M., on further elaboration of the concept of reasonable expectation of privacy in the context of the random use of drug sniffing police dogs;
    - R. v. Grant and Shepherd, a reconsideration of R. v. Stillman and the test for the exclusion of evidence obtained in the course of a Charter violation;
    - R. v. Clayton and Farmer, on the ability of the police to establish emergency roadblocks; and
    - R. v. Suberu, the application of the right to counsel to investigate detentions.
  - Defence appeals:
    - R. v. Beatty, on the mens rea (Latin for a guilty mind, a conscious knowing by the perpetrator that the act he or she committed was illicit) of dangerous driving;
    - R. v. Singh, on the extent of the right to silence in the context of a custodial interrogation;
    - R. v. Pritchard, on the nature and degree of unlawful confinement required to elevate murder from second to first degree per s. 231(5) of the Criminal Code;
    - R. v. Wittwer, on the informational component of s. 10(b) of the Charter; and
    - R. v. Illes and R. v. Rojas, on proper jury instructions regarding mixed statements.

- Representatives addressed two graduating classes from the legal administrative assistants program at Capilano College on career opportunities within the branch.
- On the legal education front, several lawyers have contributed to a publication entitled Working Manual of Criminal Law. The service covers matters of criminal procedure and substantive law. Proceeds from the lawyers' contributions will fund bursaries for third-year law students at the University of British Columbia and University of Victoria.
- The Director of CASP was on the editorial board of a publication by the Law Society of British Columbia entitled, Introducing Evidence at Trial: A British Columbia Handbook. A number of prosecutors throughout the province contributed chapters to the publication.
- The Director of CASP also contributed a chapter on legal writing in Supreme Court of Canada appeals to a book entitled, Effective Written Advocacy, compiled by the Hon. Justice Thomas A. Cromwell of the Nova Scotia Court of Appeal. Proceeds from publication sales go to the establishment of a bursary in the name of the late Marvin Catzman, a respected judge of the Ontario Court of Appeal.

Paralegal trainees.

HEADQUARTERS

The provincial headquarters of B.C.'s prosecution service is in Victoria, the province's capital city. The head of the prosecution service, the Assistant Deputy Attorney General, along with directors, managerial and administrative professional staff, is responsible for legal services, policy and legislation, planning, communications, financial, technology and human resource services. Headquarters serves the entire province, with 19.8 prosecutors and 35.3 managerial and administrative professional staff.

Highlights of 2007/2008

- Continued enhancements of the criminal justice operating system JUSTIN have enabled police to provide case details electronically to Crown for more comprehensive electronic reporting. Included is the development of an interface for electronic transmission of data from the Police Records Information Management System (PRIME) to JUSTIN. The upgrades improve security and repair time and provide opportunities to use new document management tools and other sophisticated web technologies.
- Criminal cases are becoming more complex and using more documents. The litigation management system (LMS) project, begun in fall 2001, uses software to manage complex files, assist Crown counsel with evidence management and facilitate case analysis, trial preparation and disclosure.
- The Criminal Justice Branch has developed a cross-regional paralegal pilot project to increase administrative expertise, especially in legal technology, and career development opportunities for legal assistants within the branch. Partnering with Capilano College, paralegals-in-training completed online courses before beginning a practicum with the branch. These dedicated and talented employees are almost finished their practicum, having completed their last substantive workshops this spring, prior to their final technical testing in June. Citation in Criminal Justice Branch paralegal studies from Capilano College would qualify applicants for paralegal positions posted by the branch.
- The branch launched a new intranet site on Aug. 30, 2007, that features legal content users need for their jobs. The site includes information on branch activities, successes and resources. Recent projects include developing the collaborative power of technology for discussion groups, training and sharing work products.
- The Criminal Justice Branch's new human resources plan emphasizes the branch's focus on recruitment and retention, staff wellness and security, professional development, good internal communications and support for technological change. The plan was developed to address the unique challenges and opportunities of the branch, in conjunction with both the ministry human resource plan and Being the Best, the corporate human resources plan for the BC Public Service.
- Criminal Justice Branch has hired a special advisor on human safety, responsible for ensuring a clear and consistent process for dealing effectively with real and potential threats to the safety of our branch members.
- A new chief legal technology counsel position will formulate a technical vision and strategy for advancing the state of practice within the Criminal Justice Branch.
- As part of the new Crown counsel agreement, and a committed effort to provide an attractive place of employment, the northern initiatives program is available to Crown counsel working in northern and isolated communities. The program supports our commitment to recruit and train the best prosecutors by assisting Crown to obtain travel, training and professional development opportunities.
- Specialized training and other innovations are being provided in response to domestic violence.
- The branch helped develop a comprehensive and practical website that police can use to prepare for bail hearings conducted by a judicial justice of the peace when a prosecutor is not available.

BEYOND THE CALL OF DUTY: PUBLIC OUTREACH

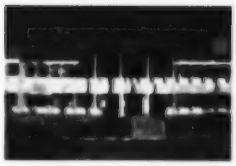
- Assistant Commissioner Gary Bass honoured Vancouver Crown counsel Myron Claridge, Provincial Court Judge Elisabeth Burgess (former Crown counsel) and Charlene Belleau of the Esketemc First Nation for their work with the RCMP on the residential schools protocol team. The team processed 977 reports to Crown counsel alleging physical and sexual assaults. The volume of archival material was significant. The commendation describes it as "the largest and most complex investigation into physical and sexual abuse in the history of British Columbia." It acknowledges Claridge for his "dedication and pursuit of excellence... in keeping with the highest traditions of the legal profession and law enforcement."

- Derrill W. Prevett, QC, was the winner of one of the inaugural Ministry of Attorney General exemplary service awards. Prevett was presented with the Neil McDiarmid, QC, Commitment to Justice award. The award recognizes a member of the Criminal Justice Branch who makes a significant contribution to improving the effectiveness of the criminal justice system through a high level of commitment and dedication to the ideals of justice.

- To raise money for the Victoria Women's Sexual Assault Centre, Victoria Crown counsel Stephen Fudge walked a mile in women's high heels. Thanks to the financial support of his colleagues, Fudge obtained the highest total pledge amount of any participant in the walk, earning him the Golden Pump award.

Victoria Crown counsel Steve Fudge participated in the Walk a Mile in Her Shoes charity event to raise money for a women's sexual assault centre. He was awarded the Golden Pump award for his fundraising efforts.

- Vancouver Region Crown counsel Mitch Dufresne is taking unpaid leave to volunteer with the United Nations department of peacekeeping operations mission, UNMIT, as the Judicial Affairs Officer for Gender Justice in Timor-Leste (East Timor). Timor-Leste is on the road to recovery after a long history of violence and has been an independent state since 2002.



New courthouse at Dili, national capital of Timor-Leste (East Timor), where Vancouver Crown counsel Mitch Dufresne is taking an unpaid leave to volunteer with a United Nations peacekeeping mission.

- Crown counsel Wendy Van Tongeren-Harvey returned to the Fraser region in October 2007 after spending 17 months away from home. Tongeren-Harvey took a leave of absence in May 2006 to travel to Sierra Leone to work as a trial attorney with the special court. She prosecuted accused charged with crimes against humanity and war crimes related to the 1996 to 2002 conflict. In May 2007, she moved to The Hague as a member of the prosecution team for the trial of former Liberian president Charles Taylor.

Crown counsel Wendy Van Tongeren-Harvey returned after a leave of absence in Sierra Leone, where she was a trial attorney with the special court prosecuting those charged with crimes against humanity and war crimes related to the 1996 to 2002 conflict.

- Criminal Justice Branch members once again coached students to success in the annual Peter Burns criminal trial advocacy trial competition, held at the University of British Columbia faculty of law in November 2007. Richmond Crown counsel Karima Andani helped organize the competition. Coaches this year were Hank Reiner, QC; Andrew Cochrane; Patti Tomasson; and Tara Laker, all from the Vancouver region. Vancouver Regional Crown counsel Terry Schultes, QC, presented winners Thomas Moran and Ashley Syer with the Attorney General's awards for Excellency in Advocacy.

(Left to right) Richmond Crown counsel Karima Andani and Regional Crown counsel Terry Schultz, QC, at the annual Peter Burns criminal trial advocacy trial competition, held at the University of British Columbia faculty of law.

CROWN COUNSEL APPOINTED QUEEN'S COUNSEL

The Queen's counsel (QC) designation is an honour conferred on members of the legal profession to recognize exceptional merit and contribution. Appointments require that nominees demonstrate professional integrity and good character and be a member of the British Columbia bar for at least five years.

By law, a maximum of seven per cent of all lawyers in British Columbia can be designated as a QC.

- **W. Kerr Clark, QC**
- **Catherine Murray, QC**
- **Teresa Mitchell-Banks, QC**

CROWN COUNSEL APPOINTED TO THE BENCH

- **Elisabeth Burgess, QC**
  Appointed to Provincial Court of B.C., Vancouver region.
- **Steve Harrison**
  Appointed to Provincial Court of B.C., Interior region.
- **Christine Birnie**
  Appointed to Provincial Court of B.C., Northern region.
- **Geoffrey R.J. Gaul**
  Appointed to B.C. Supreme Court, New Westminster.

BUDGET AND EXPENSES

B.C.'s prosecution service, like all provincial government departments, is granted an annual budget to allocate to branch operations. Pressures on the branch's $94.36 million budget for fiscal 2007/2008, resulting from a new Crown Counsel Association agreement, leave liability* and major trials, were funded through the Province's contingencies vote.** Total contingencies vote funding was $6.68 million, for a total budget of $101.39 million.

Year-end expenditures were also affected by other factors, such as workload and security. Expenditures by year end were $101.39 million, resulting in a $0.35 million deficit.

BUDGET AND EXPENSES 2007/2008	
Budget	$94,360,000
Contingencies vote	$6,682,000
Expenses	$101,392,000
Deficit	-$350,000

Notes:

* Leave liability: *The potential financial obligation the organization has to honour, such as vacation time or short- and long-term illness.*

** Contingency vote: *The contingency vote category represents money voted by the Legislature for certain Criminal Justice Branch personnel expenses, such as pay increases for B.C. Government and Service Employees' Union members, management salary increases and leave liabilities.*

FULL TIME EQUIVALENT COUNT

As with all provincial government departments, B.C.'s prosecution service is granted a certain number of employees or, more accurately, employee positions each budget year. This is called the full time equivalent (FTE) count and represents the total number of positions that would exist if all branch members worked full time. The prosecution service had a year-end FTE deficit of -24.5, resulting from additional resources required for major trials. Contingencies vote funding does not include FTEs.

FULL TIME EQUIVALENT (FTE) COUNT 2007/2008	
FTE budget	766.0
FTE actual usage	790.5
FTE deficit	-24.5

Notes:

1. Expenditure amounts are rounded to the nearest thousand.

2. Budget, FTE and expenditure amounts do not include certain major prosecutions currently before the courts.

3. The fiscal 2007/2008 budget did not include Crown Counsel Association Agreement costs because the agreement was reached too late to be included in the delegated budget. All applicable costs have been included in the 2008/2009 budget.

Headquarters tech team (left to right): Riaz Bassari, Carin Boon, Stan Khan, Rhonda Renning, Keith Alford, Diane Clarkson and Kevin Scott.

Boyd Stanway, A/Finance and Records Management Clerk.

APPENDIX A

CROWN COUNSEL ACT [RSBC 1996] CHAPTER 87

Section

1 Definitions
2 Functions and responsibilities of the Criminal Justice Branch
3 Assistant Deputy Attorney General
4 Responsibilities of Crown counsel
4.1 British Columbia Crown Counsel Association Agreement
5 Directions from Attorney General on specific prosecutions
6 Policy directive from Attorney General
7 Special prosecutors
8 Delay in publication

Definitions

1 In this Act:

"ADAG" means the Assistant Deputy Attorney General, Criminal Justice Branch;

"Branch" means the Criminal Justice Branch of the Ministry of Attorney General;

"offence" means an offence

(a) under the Criminal Code or any other enactment of Canada with respect to which the Attorney General of British Columbia may initiate and conduct a prosecution, and

(b) under an enactment of British Columbia.

Functions and responsibilities of the Criminal Justice Branch

2 The Branch has the following functions and responsibilities:

(a) to approve and conduct, on behalf of the Crown, all prosecutions of offences in British Columbia;

(b) to initiate and conduct, on behalf of the Crown, all appeals and other proceedings in respect of any prosecution of an offence in British Columbia;

(c) to conduct, on behalf of the Crown, any appeal or other proceeding in respect of a prosecution of an offence, in which the Crown is named as a respondent;

(d) to advise the government on all criminal law matters;

(e) to develop policies and procedures in respect of the administration of criminal justice in British Columbia;

(f) to provide liaison with the media and affected members of the public on all matters respecting approval and conduct of prosecutions of offences or related appeals;

(g) any other function or responsibility assigned to the Branch by the Attorney General.

Assistant Deputy Attorney General

3 (1) The ADAG is charged with the administration of the Branch and with carrying out the functions and responsibilities of the Branch under section 2.

(2) The ADAG is designated, for purposes of section 2 of the *Criminal Code*, as a lawful deputy of the Attorney General.

Responsibilities of Crown counsel

4 (1) The ADAG may designate as "Crown counsel" any individual or class of individual who is lawfully entitled to practise law in British Columbia.

(2) Each Crown Counsel is authorized to represent the Crown before all courts in relation to the prosecution of offences.

(3) Subject to the directions of the ADAG or another Crown counsel designated by the ADAG, each Crown counsel is authorized to

(a) examine all relevant information and documents and, following the examination, to approve for prosecution any offence or offences that he or she considers appropriate,

(b) conduct the prosecutions approved, and

(c) supervise prosecutions of offences that are being initiated or conducted by Individuals who are not Crown Counsel and, if the interests of justice require, to intervene and to conduct those prosecutions.

(4) The Attorney General may establish an appeal process under which law enforcement officials may appeal the determination of any Crown counsel or special prosecutor not to approve a prosecution.

British Columbia Crown Counsel Association Agreement

4.1 (1) In this section:

"BCCCA" means the British Columbia Crown Counsel Association, a society incorporated under the Society Act;

"Crown Counsel" means an individual described in section 4 (1) who is an "employee" as defined in section 1 of the Public Service Act but does not include

(a) the Assistant Deputy Attorney General

(b) the Director, Special Justice Programs

(c) the Executive Director, Criminal Justice Branch

(d) the Regional Crown counsel

(e) the Deputy Regional Crown counsel

(f) the Director, Criminal Appeals

(g) the Director, Legal Services

(h) the Communications Officer

(i) the Director, Policy and Legislation
(j) the Deputy Director, Commercial Crime
(k) the Deputy Director, Criminal Appeals, and
(l) the persons in other positions specified by agreement of the employer and the BCCCA.

"employer" means the government represented by the BC Public Service Agency.

(2) The BCCCA is the exclusive bargaining agent for all Crown counsel and is authorized to enter into agreements with the employer which must include all matters affecting wages or salary, hours of work and other working conditions, except the following:
(a) the principle of merit and its application in the appointment and promotion of employees, subject to section 4 (3) of the Public Service Act;
(b) a matter included under the Public Sector Pension Plans Act;
(c) the organization, establishment or administration of the ministries and branches of the government, except the effect of reductions in establishment of employees, which must be negotiated by the parties;
(d) the application of the system of classification of positions or job evaluation under the Public Service Act;
(e) the procedures and methods of training or retraining of all employees not affected by section 15 of the Public Service Labour Relations Act, other than training programs administered with a branch or ministry that apply to one occupational group only.
(3) The employer and the BCCCA must bargain collectively in good faith and make every reasonable effort to conclude agreements referred to in subsection (2).

Directions from Attorney General on specific prosecutions

5 If the Attorney General or Deputy Attorney General gives the ADAG a direction with respect to the approval or conduct of any specific prosecution or appeal, that direction must be:
(a) given in writing to the ADAG, and
(b) published in the Gazette.

Policy directive from Attorney General

6 (1) If the Attorney General or Deputy Attorney General wishes to issue a directive respecting the Criminal Justice Branch policy on the approval or conduct of prosecutions, that directive must be given in writing to the ADAG and, in the discretion of the ADAG, may be published in the Gazette.

(2) If the Attorney General or Deputy Attorney General wishes to issue a directive respecting the administration of the Branch, that directive must, if requested by the ADAG, be given in writing and may, in the discretion of the ADAG, be published in the Gazette.

Special prosecutors

7 (1) If the ADAG considers it is in the public interest, he or she may appoint a lawyer, who is not employed in the Ministry of Attorney General, as a special prosecutor.

(2) A special prosecutor must carry out his or her mandate, as set out in writing by the ADAG, and in particular must

(a) examine all relevant information and documents and report to the ADAG with respect to the approval and conduct of any specific prosecution, and

(b) carry out any other responsibilities respecting the initiation and conduct of a specific prosecution.

(3) If the ADAG appoints a special prosecutor, the ADAG must advise the Deputy Attorney General

(a) that a special prosecutor has been appointed, and

(b) the name of the special prosecutor.

(4) If, after a special prosecutor receives the mandate under subsection (2), the Attorney General, Deputy Attorney General or ADAG gives a direction to a special prosecutor in respect of any matter within the mandate of the special prosecutor, that direction must be given in writing and be published in the Gazette.

(5) Subject to the mandate given to the special prosecutor by the ADAG or to a directive referred to in subsection (4), the decision of a special prosecutor with respect to any matter within his or her mandate is final, but a decision not to approve a prosecution may be appealed by a law enforcement officer under the process established by section 4 (4).

Delay in publication

8 (1) The Attorney General, Deputy Attorney General or ADAG may direct publication in the Gazette of those matters referred to in section 5 or 7 be delayed if to do so would be in the interests of the administration of justice.

(2) A delay under subsection (1) must not extend beyond the completion of the prosecution or matter or any related prosecution or matter.

APPENDIX B

MINISTRY OF ATTORNEY GENERAL
VISION, MISSION, CULTURE AND VALUES

Vision

A province governed by the rule of law with an effective justice system serving all British Columbians.

The Rule of Law

The rule of law is a fundamental principle in a free and democratic society. It guarantees that law is supreme and that the exercise of public power requires a source in some legal rule. It shields individuals from arbitrary action.

Mission

We are responsible in government for law reform, for the administration of justice and for seeing that public affairs are administered in accordance with the law.

Culture and Values

We are dynamic and innovative leaders in justice and public administration, with the following operating principles and values.

1. To be performance and service focused.
2. To honour members of the ministry and support them in their learning and development.
3. To act with professional integrity, independent from interference.
4. To be forthright and strategic.
5. To be collaborative and inclusive within the justice system and with the public that we serve.
6. To adhere to the core values of the British Columbia public service, namely integrity, accountability, responsibility, respect and fostering innovation in providing services.

APPENDIX C

OVERVIEW OF B.C.'S PROSECUTION SERVICE 2007/2008 TO 2009/2010 BUSINESS PLAN GOALS AND OBJECTIVES

The prosecution service's business plan contains the following goals and their corresponding objectives.

Goal 1	***B.C.'s prosecution service will strive for ethical and operational excellence in the conduct of all charge assessments, prosecutions and appeals.***
Objective 1.1	Conduct charge assessments, prosecutions and appeals fairly and appropriately.
Objective 1.2	Conduct charge assessments, prosecutions and appeals in a timely manner.
Goal 2	***B.C.'s prosecution service will provide strong support for the prosecution function.***
Objective 2.1	Provide practical assistance to lawyers and administrative staff.
Objective 2.2	Complete and evaluate the pilot of the paralegal project and, subject to results of the evaluation, introduce the program into prosecution service operations. This will support the prosecution function and give administrative staff another option for a meaningful career path.
Goal 3	***B.C.'s prosecution service will foster respect for the rule of law, the impartial administration of justice and the key role of the prosecution function through maximizing:*** ***• communication within the prosecution service;*** ***• co-operation with other agencies; and*** ***• legal education of the public.***
Objective 3.1	Communicate effectively the core principles and priorities of B.C.'s prosecution service and its key role in fostering respect for the rule of law and the administration of justice.
Objective 3.2	Strengthen understanding and co-operation between B.C.'s prosecution service and justice system partners and other agencies.
Goal 4	***B.C.'s prosecution service will be a learning organization.***
Objective 4.1	Provide training and information sharing opportunities for all prosecution service members.
Objective 4.2	Increase leadership and management skills in B.C.'s prosecution service.

Goal 5	*B.C.'s prosecution service will provide its members with a safe, secure, healthy and productive place to work.*
Objective 5.1	Provide as physically secure a workplace as possible for all prosecution service members.
Objective 5.2	Promote a healthy workplace.
Objective 5.3	Help prosecution service staff members allocate their workload fairly across departments and the province.
Objective 5.4	Recognize the achievements of prosecution service members.
Objective 5.5	Continue improving electronic information security.
Objective 5.6	Maintain a strong planning culture in the prosecution service.
Objective 5.7	Maintain the prosecution service's capacity to continue business in emergencies.

Goal 6	*B.C.'s prosecution service will be a leader in law reform and innovative justice processes.*
Objective 6.1	Promote law reform nationally and internationally.
Objective 6.2	Lead criminal justice system reform provincially through prosecution service initiatives and by supporting the Ministry of Attorney General's Criminal Justice Reform Secretariat and other justice partners.
Objective 6.3	Innovate in technology and administrative best practice processes.

Goal 7	*B.C.'s prosecution service will provide consistently high quality and effective criminal law advice to government.*

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